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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,629	03/15/2004	Stanley Liow	JCLA12566	2896
23900	7590	01/30/2007		EXAMINER
J C PATENTS, INC.				ORTIZ CRIADO, JORGE L
4 VENTURE, SUITE 250			ART UNIT	PAPER NUMBER
IRVINE, CA 92618				2627
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/30/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/801,629	LIOW ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jorge L. Ortiz-Criado	2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 14 is/are allowed.
- 6) Claim(s) 1-13 and 15-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 3, 9, 11 and 19 are objected to because of the following informalities:

Each claims 1, 3, 9 and 11 recites, "feedbacking" and should be "feedback"

In claim 19, "low-pass filer" should be "low-pass filter".

In claim 10, "an average" should be "the average".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-13, 15-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "generating the wobble clock signal by "feedbacking" the wobble signal back itself".

Art Unit: 2627

The examiner cannot ascertain where in the specification support is found for this limitation. According to the specification Applicant “feedback” the wobble clock signal and the examiner cannot find where it is specified “generating the wobble clock signal by “feedbacking” the wobble signal back itself”.

Claims 1, 2, 6, 15, 16 and 18 recites comparing a width of the wobble signal at “different status”. The examiner cannot ascertain where in the specification support is found as to enable one skilled in the art to know or obtain such “different status”. There is no explanation regarding any status of the wobble signal as to differentiate between them. It is not understood what the Applicant is trying to encompass with this language. Applicant’s cooperation is respectfully requested in this matter.

Claims 9 and 20 recites, “when a defect is found on an optical disc” and “a defect enabling signal which is generated when a defect is found on the recordable optical disc”. The examiner cannot ascertain where in the specification support is found for this limitation as to enable one skilled in the art as how to obtain such defects in an optical disc to make the invention.

Claims 5 and 13 recites wherein the wobble signal is processed by a fake signal removing process in advance. The examiner cannot ascertain where in the specification support is found for this limitation as to enable one skilled in the art how to remove such “fakes” signals from the wobble signal and make the invention.

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For purposes of examination the claims are interpreted with their broadest reasonable interpretation in light of the supporting disclosure.

Dependent claims 3-4, 7-8, 10-12, 17 and 19 fall together accordingly.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5, and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "an average" in claims 1, 2, 15 and 16 renders the claim indefinite, because one of ordinary skill in the art would not be reasonably apprised of the scope of the invention with the claim language. This language appears to be incomplete rendering the scope of the claim unascertainable, because it is unclear what the applicant is trying to encompass with this language. It appears that this language should be followed by what is being "averaged" as to reasonably attain the scope of the invention.

Claim 17 recites the limitation "the average of the counting data" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 3, 5, and 18-19 fall together accordingly.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou U.S. Patent Application Publication 2003/0048120.

Regarding claim 1, Chou discloses a method for generating a wobble clock signal (see Fig. 7), comprising: generating a wobble clock signal according to a wobble signal (performed at 64), wherein the wobble signal is generated when an optical disc is processed; comparing a width of the wobble signal (performed at 72; 73) at different status with an average (74; 75); and

generating the wobble clock signal according to either one of the following (see Fig. 7): continuously generating the wobble clock signal according to the wobble signal; and generating the wobble clock signal by feedbacking the wobble signal back itself.

Regarding claim 6, Chou discloses a method for generating a wobble clock signal (see Fig. 7), comprising: counting a width of a wobble signal (72; 73) at “different status” which is generated when an optical disc is processed and generating a plurality of counting data (counting results at 73); and generating a wobble clock signal according to an average of the counting data (at 76).

Regarding claim 7, Chou discloses generating an average clock signal according to the average; and generating the wobble clock signal by dividing a frequency of the average clock signal by N, wherein N is a positive integer (see Fig. 7, at 68).

Regarding claim 8, wherein the average is an average of half cycle of the wobble signal (see paragraph [0036]).

***Claim Rejections - 35 USC § 103***

4. Clams 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou U.S. Patent Application Publication 2003/0048120 in view of Hisakado et al. U.S. Patent No. 6,236,629.

Chou discloses all the limitation on the base claims as outlined above. Chou does not expressly disclose wherein the wobble signal is processed by a fake signal removing process in advance.

However, this feature is well known in the art and is evidenced by Hisakado et al., which discloses a method for generating a wobble clock signal having the wobble signal is processed by a “fake signal” removing process in advance (see Fig. 2, #201).

It would have been obvious to one of an ordinary skill in the art at the time of the invention to include a fake signal removing process so as to remove other frequencies that interferes with the wobble signal and passing the elements of the wobble, as taught by Hisakado et al.

#### *Allowable Subject Matter*

5. Claim14 is allowed.

The following is an examiner’s statement of reasons for allowance: the prior art made of record fails to teach or fairly suggest a selection circuit, electrically coupled to the clock signal generating circuit for receiving the wobble signal and the signal fed back from the wobble clock signal, and for determining whether or not to allow the clock generating circuit to select the wobble clock signal and feedback the wobble clock signal back to generate the wobble clock signal itself according to at least an enabling signal..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Comments regarding allowability of claims 2-4, 9-13 and 15-20 are not made because of the rejections under 112 first paragraph as outlined above.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. 6,700,847 to Osada.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(12:30 pm- 9:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREA WELLINGTON  
PRIMARY PATENT EXAMINER